

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

EMPLOYEES' RETIREMENT SYSTEM
OF THE CITY OF BATON ROUGE AND
PARISH OF EAST BATON ROUGE,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

IMPINJ, INC., CHRIS DIORIO, EVAN
FEIN, and ERIC BRODERSEN,

Defendants.

No. 2:18-cv-01447-RSL

CLASS ACTION

**STIPULATED MOTION AND
~~PROPOSED~~ ORDER REGARDING
SERVICE AND DEFERRING TIME TO
RESPOND TO COMPLAINT**

NOTE ON MOTION CALENDAR:
October 22, 2018

STIPULATION AND ~~PROPOSED~~ ORDER
REGARDING SERVICE AND DEFERRING
TIME TO RESPOND TO COMPLAINT
(Case No. 2:18-cv-01447-RSL)

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1 In accordance with Civil Local Rules 7(d)(1) and 10(g), Plaintiff and proposed Lead
2 Plaintiff Employees' Retirement System of the City of Baton Rouge and Parish of East Baton
3 Rouge ("Plaintiff") and Defendants Impinj, Inc., Chris Diorio, Evan Fein and Eric Brodersen
4 ("Defendants" and collectively with Plaintiff, the "Parties"), by and through their undersigned
5 counsel, hereby stipulate and agree to the following matters:

6 WHEREAS, on August 7, 2018, plaintiff Drew S. Schultz filed a securities class action
7 against Impinj, Inc., Chris Diorio, and Eric Brodersen in the U.S. District Court for the Central
8 District of California captioned *Schultz v. Impinj, Inc.*, No. 2:18-cv-06765-DSF-SS (C.D. Cal.)
9 ("*Schultz*");

10 WHEREAS, *Schultz* was subject to the Private Securities Litigation Reform Act of 1995
11 ("PSLRA"), 15 U.S.C. § 78u-4, which, among other things, provides for a specific process for
12 the publication of notice of the pendency of the action as well as for the appointment of Lead
13 Plaintiff and Lead Counsel;

14 WHEREAS, in accordance with the PSLRA, counsel for plaintiff in *Schultz* published
15 notice of the pendency of *Schultz* on August 7, 2018;

16 WHEREAS, pursuant to Section 21D(a)(3)(A) of the Securities Exchange Act of 1934,
17 15 U.S.C. § 78u-4(a)(3)(A), as amended by the PSLRA, the publication of notice of the
18 pendency of *Schultz* set the deadline for any Class member to move for appointment as Lead
19 Plaintiff on or before October 9, 2018;

20 WHEREAS, on August 27, 2018, plaintiff Richard Montemarano filed a securities class
21 action against Defendants in this District captioned *Montemarano v. Impinj, Inc.*, No. 3:18-cv-
22 05704-RSL (W.D. Wash.) ("*Montemarano*");

23 WHEREAS, on August 27, 2018, in accordance with the PSLRA, counsel for Mr.
24 Montemarano published notice of the pendency of *Montemarano* and reiterated that the deadline
25 to seek appointment as Lead Plaintiff was on or before October 9, 2018, *i.e.*, 60 days from the
26 publication of notice of *Schultz*;

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1 WHEREAS, on October 2, 2018, Plaintiff filed the above-captioned securities class
2 action against Defendants ("*Baton Rouge*");

3 WHEREAS, on October 2, 2018, in accordance with the PSLRA, counsel for Plaintiff
4 published notice of the pendency of *Baton Rouge* and reiterated the October 9, 2018 deadline to
5 seek Lead Plaintiff status;

6 WHEREAS, on October 3, 2018, *Schultz* was voluntary dismissed;

7 WHEREAS, on October 9, 2018, three movants, including Plaintiff, filed motions
8 seeking appointment as Lead Plaintiff and for approval of their selection of counsel;

9 WHEREAS, pursuant to the PSLRA, the Court is to appoint a Lead Plaintiff and approve
10 the Lead Plaintiff's selection of Lead Counsel, 15 U.S.C. § 78u-4(a)(3)(B);

11 WHEREAS, the Parties anticipate that, after the appointment of Lead Plaintiff and
12 approval of Lead Plaintiff's selection of Lead Counsel, Lead Plaintiff will file a consolidated
13 complaint;

14 WHEREAS, in the interests of judicial economy and preserving the resources of the
15 Parties and the Court, the Parties agree and respectfully submit to the Court that no answer,
16 motion, or other response to the *Baton Rouge* complaint should be due until after the Court
17 appoints a Lead Plaintiff and approves the Lead Plaintiff's selection of Lead Counsel, and Lead
18 Plaintiff has had the opportunity to file a consolidated complaint; and

19 WHEREAS, there have been no requests for an extension of time previously made in this
20 matter.

21 NOW, THEREFORE, the Parties hereby stipulate and agree as follows, and respectfully
22 request that the Court enter the [Proposed] Order Regarding Service and Deferring Time to
23 Respond to Complaint:

24 1. Undersigned counsel for Defendants is authorized to waive, and hereby waives,
25 service of the summons and Complaint in *Baton Rouge*, without waiving any of Defendants'
26 rights or defenses other than with respect to sufficiency of service of process.

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1 2. In the interests of judicial economy and preserving the resources of the Parties and
2 the Court, the Parties agree that no answer, motion, or other response to the *Baton Rouge*
3 complaint shall be due until after the Court appoints a Lead Plaintiff and approves the Lead
4 Plaintiff's selection of Lead Counsel, and Lead Plaintiff has had the opportunity to prepare a
5 consolidated complaint.

6 3. Defendants shall meet and confer with Lead Plaintiff within fourteen (14) days
7 after the Court issues a decision appointing a Lead Plaintiff and approves the selection of Lead
8 Counsel to discuss a schedule for the filing of any consolidated complaint and Defendants'
9 response thereto.

10 4. Defendants and Lead Plaintiff shall promptly thereafter submit a proposed
11 schedule for the filing of any consolidated complaint and Defendants' response thereto.

12 5. No party is waiving any rights, claims, or defenses of any kind except as expressly
13 stated herein.

1 Dated: October 22, 2018

Respectfully submitted,

2 **BYRNES KELLER CROMWELL LLP**

3 /s/ Bradley S. Keller

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7 *Liaison Counsel for Plaintiff and Proposed*
8 *Lead Plaintiff Employees' Retirement*
9 *System of the City of Baton Rouge and*
10 *Parish of East Baton Rouge*

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19 *Counsel for Plaintiff and Proposed Lead*
20 *Plaintiff Employees' Retirement System of*
21 *the City of Baton Rouge and Parish of East*
22 *Baton Rouge and Proposed Lead Counsel*
23 *for the Class*

24 Dated: October 22, 2018

Respectfully submitted,

25 **WILSON SONSINI GOODRICH**
26 **& ROSATI, P.C.**

/s/ Gregory L. Watts

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Oct. 24, 2018



HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

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